

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure lower taxes/safeguard individual liberty – This bill provides 100-percent, service-connected permanently and totally disabled veterans confined to wheelchairs an exemption on any license or permit fee to make improvement on their residence. Current law limits the exemption to improvements on a mobile home.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Florida Building Code

Under current law, any person or organization seeking to construct, modify, or demolish a building in Florida must obtain a permit¹. The permit must be obtained through a Florida Building Code enforcing agency, such as a county or municipal local government. Local governments are authorized² to charge reasonable permit fees to defray the costs of actions, such as building plan and construction inspections, associated with enforcement of the Code.

In addition, each county and municipality is authorized³ to create a schedule of fees based upon the specific enforcement needs and requirements for that locality. In the case of remodeling permits, the fee structure generally includes a base or application fee, plus an additional amount based on the construction value of the remodeling project. The table below shows current remodeling permit fee valuations from a county and a municipality:

Remodeling Permit Fees			
Broward County	City of Tallahassee		
Minimum base permit fee \$111 added to a charge calculated at a rate of 1.60% of the remodeling job construction value.	Construction Value	Application Fee	Valuation Fee
	\$10,000 or less	\$60	\$14/\$1000
	50K or less	240	1.20/1000
	100K or less	288	0.38/1000
	Over 100K	326	0.38/1000

Disabled Veteran Exemption

Section 295.16, F.S., allows certain veterans to be exempt from paying building license or permit fees to any county or municipality for wheelchair accessibility improvements made upon a mobile home, provided the following criteria are met:

- The veteran must be a resident of Florida;
- The veteran must be permanently and totally disabled and be able to show:
 - A valid identification card⁴ issued by the Florida Department of Veterans' Affairs;
 - A service-connected 100-percent disability rating for compensation as determined by the United States Department of Veterans' Affairs; or
 - A disability retirement pay receipt from any branch of the uniformed armed services for a 100-percent, service-connected disability rating;
- The veteran must be honorably discharged from the Armed Forces;

¹ Section 553.79, F.S.

² Sections 125.56(2) and 166.222, F.S.

³ Section 553.80(7), F.S.

⁴ Section 295.17, F.S.

- The veteran must own and reside in the mobile home for which the improvements are being made; and
- The veteran may only make improvements to his or her mobile home such as adding ramps, widening doorways, and similar improvements for the purpose of making the mobile home wheelchair-habitable.

Typical improvements or alterations⁵ that may need to be made in order to make a mobile home more habitable for an eligible wheelchair-confined veteran include, but are not limited to:

- Outside: ramps, railings, primary entrance with widened doorway into home; or,
- Inside: ramps, railings, widened doorways, lowered countertops, wheelchair turning space, wheelchair lifts, toilet and bathing facilities, clear floor space to reach appliances.

Section 295.16, F.S., does not appear to place restrictions on the number of wheelchair accessibility improvements allowed nor does it appear to place any restriction on the number of times improvements may be made to the mobile home. Additionally, it does not appear to remove the requirement for obtaining a permit for the improvements as in s. 553.79, F.S.

Disabled Veteran ID Card and License Plate

Section 295.17, F.S., provides that the Florida Department of Veterans' Affairs (DVA) may issue a photo-identification card to any veteran who is a permanent resident of the state and who has been determined by the U.S. Department of Veterans' Affairs (USDVA) or its predecessor to have a 100-percent, service-connected permanent and total disability rating for compensation, or who has been determined to have a service-connected disability rating of 100-percent and is in receipt of disability retirement pay from any branch of the uniformed armed services. The ID card eligible veteran may request the card in writing to the DVA, and, upon its receipt, the veteran may use the card as proof of identification for all benefits provided by state law for 100-percent, service-connected permanently and totally disabled veterans except for certain benefits relating to property tax exemptions.

Not all 100-percent, service-connected, permanently and totally disabled veterans are confined to wheelchairs. For example, a veteran could be rated with a 100-percent permanent and total disability for post-traumatic stress disorder, yet not require a wheelchair. In addition not all wheelchair-confined veterans are 100-percent, service-connected, permanently and totally disabled.

Under s. 320.084(2), F.S., a veteran who produces a DVA ID card, as provided for in s. 295.17, F.S., to the Florida Department of Highway Safety and Motor Vehicles (DHSMV) must be issued one free motor vehicle license plate for use on any motor vehicle owned or leased by the veteran. Since each veteran who receives this benefit is limited to one free license plate and each veteran who qualifies for this benefit is likely to use it, this statute provides a means to estimate the number of 100-percent, service-connected permanent and totally disabled veterans living in Florida. According to the DHSMV, as of January 11, 2006, there were 4,556 disabled veteran wheelchair license plates issued in the state⁶.

Effect of Proposed Change:

HB 573 expands the permit fee exemption in s. 295.16, F.S., from only applying to those eligible, disabled veterans who own and occupy mobile homes, to applying to such veterans who own and occupy any dwelling.

The provisions of this bill will enable a larger population of eligible, disabled veterans to take advantage of the existing fee exemption, reducing the costs that they are obligated to pay in order to make their homes wheelchair accessible.

⁵ Architectural and Transportation Barriers Compliance Board. ADA and ABA Accessibility Guidelines for Buildings and Facilities. Federal Register. July 23, 2004 and amended August 5, 2005.

⁶ Communication with Steve Fielder of the Florida Department of Highway Safety and Motor Vehicles (January 13, 2006) (on file with House of Representatives, Committee on Military and Veteran Affairs).

This bill does not appear to place any restrictions on the number of wheelchair accessibility improvements allowed nor does it appear to place any restrictions on the number of times improvements may be made to the mobile home. Additionally, it does not appear to remove the requirement for obtaining a permit for the improvements as in s. 553.79, F.S.

C. SECTION DIRECTORY:

Section 1. Amends s. 295.16, F.S., by replacing the phrase *mobile home* with the phrase *any dwelling*, effectively expanding the building license or permit fee exemption to a greater population of disabled veterans who make wheelchair accessibility improvements to their owner-occupied residences.

Section 2. Provides for act to take effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

There are no known or expected fiscal impacts on state revenues.

2. Expenditures:

There are no known or expected fiscal impacts on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The fiscal impact on local government revenues is indeterminate. However, the impact is expected to be minimal.

The impact on revenues is indeterminate since it is unknown exactly how many eligible veterans would use this benefit. According to the DHSMV license plate information, at least 4,556 100-percent, service-connected permanent and totally disabled wheelchair-confined veterans currently reside in Florida, therefore, this number may be considered the ceiling of veterans eligible for the benefit under this bill. Some considerations that make this bill's fiscal impact indeterminate are as follows:

- It is unknown how many eligible veterans own dwellings other than mobile homes;
- It is unknown how many eligible veterans have already made wheelchair accessibility improvements to their existing dwellings and would thus not need the permit fee exemption;
- It is unknown how many eligible veterans may move their residence to a different home that would require wheelchair accessibility improvements;
- It is unknown what wheelchair accessibility improvements are necessary to be made to each eligible veteran's dwelling;
- It is unknown how much each wheelchair accessibility improvement costs, which affects the amount of the permit fee since the permit fee, in most cases, is determined based on the value of the construction and improvement costs; and,
- It is unknown where eligible veterans live or might move to, which is necessary to determine which local government's fee schedule the eligible veteran would be exempted from.

The impact on revenues is expected to be minimal. According to representatives from the Construction Licensing Officials Association of Florida and the Florida Association of Counties⁷, the fiscal impact does not appear to degrade enforcing agencies' abilities to enforce the Florida Building Code with regard to eligible dwellings under this bill.

2. Expenditures:

There are no known or expected fiscal impacts on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill provides a potential financial benefit to eligible veterans. According to the DVA, one veteran in particular could have saved \$350 in permitting fees for a door-widening project that was necessary to improve wheelchair accessibility to his home⁸.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable, because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

There do not appear to be any constitutional issues with this bill.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.

⁷ Communications with Bill Brode of the Construction Licensing Officials Association of Florida and Jeff Porter of the Florida Association of Counties (on or about January 26, 2006).

⁸ Florida Department of Veterans' Affairs. Legislative Policy Proposal Summary Sheet: Exempt 100% Disabled Veterans from Certain County Building Permit Fees (August, 18, 2005).